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To: Microsoft ATR
Date: 1/23/02 9:07am
Subject: Microsoft Settlement

To the Department of Justice:

I would just like to say that I have read the proposed settlement, and I am not in favor of it in its current state.

The current settlement is riddled with loopholes that Microsoft can exploit and continue practices that prompted the antitrust case in the first place. For a technical analysis of the proposed settlement please visit the following web site:

<http://www.kegel.com/remedy/remedy2.html>

It was not written by me but represents my views against the proposed settlement.

Do not allow Microsoft to hide behind clauses that would protect their API's from full disclosure. One example: security. True security relies on keys and not the algorithm. Encryption algorithms of today are all publicly known. What makes them secure are the secret key combinations that are used by the end user. Open source software by nature publishes the code/API's used in the software security. Yet they are secure because the secret key combinations are what really keeps data secure.

This example merely shows that there is no excuse for some of the clauses that prevent Microsoft from distributing all of their API's.

I would like to bring up the issue of file formats. The antitrust case only dealt with the Windows operating system. I would like you to consider that the MS Office document format also enjoys a form of monopoly status. As a computer consultant I believe that Linux is almost capable to replace MS Windows as a desktop operating system. The "almost" is due to the poor ability to interact with other businesses/individuals that use MS Word and other Office document formats. There is no application outside of MS Word that can read/write MS Word documents as good as MS Word does. When one uses

competing software such as WordPerfect, StarOffice, OpenOffice, ClarisWorks, etc. to open and save Word files the document layout will always be different from what was used in MS Word. The same is true for the other Office products (Excel, Access, PowerPoint).

If the MS Office file formats were to be completely made public then software developers would be able to write software that can correctly read and write documents created by people using MS Office products. I have been reluctant to replace Windows with Linux on the dozen computers currently being used in a Christian private K-12 school. Although this school has about 120 students, it struggles financially. Having to buy Windows and Office licenses for each new computer is expensive. I would love to switch to the Linux operating system and use StarOffice for word/spreadsheet/presentations documents. However, if I switched presently I would be bombarded by support calls from people unable to read/write MS Office documents correctly. Also, many individuals ask me for recommendations on the purchase of computer systems. I cannot presently recommend Linux and a Linux based office suite for the same reason.

Finally, Microsoft has been found guilty of a crime. It has been upheld in a Court of Appeals. All the current remedies and even the ones I mention above are conduct remedies. Where's the fine? Where's the real punishment Microsoft has destroyed companies and put people out of work. All the proposed conduct remedies are equivalent to a "slap on the wrist".

Has Microsoft hurt consumers? Absolutely. The average computer price for a consumer computer system from 1995 to today the price has halved. The reason is due to increased demand and supply. Computer hardware has become a commodity market with many suppliers. However, the price of MS Windows software from 1995 to today has gone up by around 10%. Most of the computer hardware is sold with MS Windows - a monopoly status found in Judge Jackson's Findings of Facts. Why hasn't MS Windows dropped in price as with PC hardware? The answer is simple - no competition. Consumers are being forced to pay a higher price tag for MS Windows because of a lack of competition.

As a voting citizen (Republican) I will not stand by idly and see this case end in a mere "hand slap". You,

the DOJ, is supposed to be the public's representative.

Every news article I read basically agrees with me and many other computer consultants that the proposed remedy is a joke.

Sincerely,

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